

REMARKS

Applicants note with appreciation the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119 and the filing of the certified copies of the priority documents in Applicants' parent application.

Applicants further note with appreciation the Examiner's consideration and approval of the drawing corrections filed March 5, 2003.

In the outstanding Official Action, the Examiner has rejected claims 12-14 under 35 U.S.C. § 102(b) as being anticipated by TAKAI et al. (U.S. Patent No. 5,771,451). Applicants respectfully traverse the above rejections and submit that they are moot in view of the present remarks and amendments.

By the present Amendment, Applicants have amended claims 12 and 14 of the present application and have further clarified some of the features of the claimed invention. In view of the herein contained remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections in the present application and an indication to such effect in due course.

In this regard, it is submitted that one of the features of the present invention set forth in amended claims 12 and 14 is, *inter alia*, that both a first base station and a second base station control power levels of signals transmitted to a mobile station in accordance with distance from the first base station and the second base station to the mobile station. More specifically, when a handover from the first base station to the second base station is in

P18583.A09

progress, the first base station gradually reduces power levels of signals transmitted to the mobile station as the mobile station moves further from the first base station, while the second base station gradually increases power levels of signals transmitted to the mobile station as the mobile station moves closer to the second base station. The above-noted feature of the present invention reduces excessive transmission power levels, which reduces the total volume of transmission power in a radio communication system and improves system capacity.

Applicants respectfully submit that, in contrast to the above-noted feature of the present invention, TAKAI et al. discloses a Code Division Multiple Access (CDMA) communication system in which, when a mobile station is engaged in a handover, different transmission power bits are transmitted from the mobile station to a plurality of base stations. These power bits are used to control the transmission power of these base stations independently from one another. TAKAI et al. only discloses one base station (base station A) and another base station (base station B) that control transmission power on the traffic channels of the base stations based on received signal power of the pilot channel of base station A at a mobile station ( $A_{pr}$ ), transmission power of the pilot channel of base station A ( $A_{pt}$ ), transmission power of the traffic channel of base station A ( $A_{Tt}$ ), received signal power of the pilot channel of base station B at the mobile station ( $B_{pr}$ ), and transmission power of the pilot channel of base station B ( $B_{pt}$ ). See, for example, figure 9. In other words, according to TAKAI et al., the received signal power and transmission power serves as standard for transmission power control for traffic channels of base stations.

In contrast, according to the present invention, it is distance from a base station to a mobile station that serves as a or the standard for transmission power control for base stations. The TAKAI et al. reference neither discloses nor suggests that, as in the present invention, a first base station and a second base station both control power levels of signals transmitted to a mobile station in accordance with distance from the first base station and the second base station to the mobile station. Moreover, TAKAI et al. neither discloses nor suggests that, while a handover from the first base station to the second base station is in progress, the first base station gradually reduces power levels of signals transmitted to the mobile station as the mobile station moves further from the first base station, while the second base station gradually increases power levels of signals transmitted to the mobile station as the mobile station moves closer to the second base station.

There is no suggestion or disclosure in TAKAI et al. to gradually reduce the power level of the signals to the mobile station as the mobile station moves farther from the base station from which the handover starts while the base station at which the handover ends gradually increases the power level of the signals for the mobile station as the mobile station moves closer thereto.

Absent a disclosure in a single reference of each and every element recited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 12 and 14 and the claim dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(b).

P18583.A09

In view of the above, Applicants respectfully submit that TAKAI et al. is configured entirely differently from the present invention and does not disclose or suggest the herein-described feature of the present invention.

Also, regarding U.S. Patent 6,144,861 to SUNDERLIN, Applicants note that the filing date of this reference is April 7, 1998. The present application has a foreign priority date of March 10, 1998. Applicants herewith submit a verified translation of the foreign priority document JP 10-078315 in order to perfect their claim of priority. Thus, with the perfected claim of foreign priority, it is noted that the SUNDERLIN reference is not prior art.

Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Entry of the present amendment is believed to be proper, even though the present application is subject to a final rejection in view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims. Furthermore, in view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate. Thus, Applicants respectfully request reconsideration and entry of the present amendment.

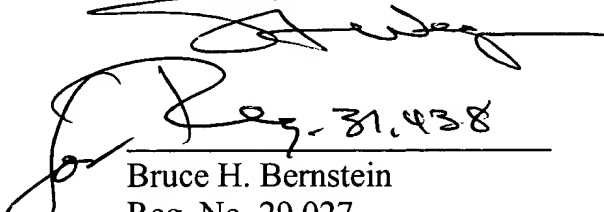
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be

P18583.A09

considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
M. UESUGI et al.



Reg. 31,438

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Bruce H. Bernstein  
Reg. No. 29,027

August 20, 2003  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191